S.B.Cr.Misc. IInd Bail App. No.4587/2007
(Smt. Parveen Banu vs. State of Rajasthan)

Date of order : September 26, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Manish Shishodia, for the petitioner.
Mr.Vishal Raj Mehta, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and the challan papers.

It is contended by learned counsel for the petitioner that the alleged smack was brought and was in possession of Ayub Khan, husband of the petitioner and it was Ayub Khan, who alleged to have been packing the smack in small packets. So far as present petitioner is concerned, she is wife of the main accused Ayub Khan and at the relevant time when the police raided the house and recovered the smack, she was present.

Learned Public Prosecutor submits that when the police raided the house and wanted to seize the smack, the petitioner made an effort to conceal the smack.

Be that as it may, from the material available, it appears that it was co-accused Ayub Khan, who has been trading in

illegal smack and at the relevant time, he was in possession of the smack and the petitioner being his wife might have made an effort to conceal the smack on seeing the police, but at any rate the allegations are mainly against Ayub Khan and the smack alleged to have been recovered is less than the commercial quantity.

Having regard to the facts and circumstances of the case and taking into account the oral arguments advanced by both the parties, I consider it just and proper to enlarge the accused petitioner on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Smt. Parveen Banu w/o Ayub Khan be released on bail in FIR No.234/2007, P.S. Kapasan, Distt. Chittorgarh provided she furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of learned trial court for her appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-